

Message Text

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ORIGIN AF-06

INFO OCT-01 EUR-12 ISO-00 EB-07 COME-00 TRSE-00 CIAE-00

DODE-00 INR-07 NSAE-00 PA-02 USIA-15 PRS-01 SP-02

IO-13 /066 R

DRAFTED BY AF/S:PLORD:DH

APPROVED BY AF/S:RTHAVERKAMP

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R 150015Z APR 76

FM SECSTATE WASHDC

TO AMCONSUL CAPE TOWN

AMEMBASSY DAR ES SALAAM

AMEMBASSY GABORONE

AMEMBASSY LILONGWE

AMEMBASSY LONDON

AMEMBASSY LUSAKA

AMEMBASSY MAPUTO

AMEMBASSY NAIROBI

AMEMBASSY PRETORIA

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CAPE TOWN FOR EMBASSY

E.O. 11652: N/A

TAGS: PFOR, RH

SUBJECT: CALIFORNIA CONVICTION ON ILLEGAL IMPORTS FROM
RHODESIA

1. FOLLOWING IS TEXT OF LOS ANGELES TIMES STORY CONCERNING CONVICTION MARCH 29 OF FOUR PERSONS ON CHARGES OF ILLEGAL IMPORTATION INTO U.S. OF RHODESIAN STATUARY. POSTS MAY FIND THIS REPORT USEFUL AS MOST RECENT EXAMPLE OF U.S. ENFORCEMENT OF RHODESIAN SANCTIONS. TEXT FOLLOWS:

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2. QUOTE: FOUR MEN PLEADED GUILTY MONDAY TO CHARGES THAT

THEY ILLEGALLY LABELED \$250,000 IN BANNED RHODESIAN STAM-
TUARY AS COMING FROM SOUTH AFRICA SO THAT IT COULD BE
IMPORTED INTO THE UNITED STATES. THE GUILTY PLEAS WERE
ENTERED IN FEDERAL COURT AFTER THE DEFENDANTS UNSUCCESS-
FULLY ARGUED THAT THE U.S. BAN ON IMPORTING RHODESIAN GOODS
WAS OVERLY BROAD AND ACTUALLY IN CONFLICT WITH VARIOUS U.N.
RESOLUTIONS ON RHODESIA. DEPUTY FEDERAL PUBLIC DEFENDER
S. THOMAS POLLACK ATTEMPTED TO CONVINCE U.S. DIST. JUDGE
A. ANDREW HAUK THAT A PRESIDENTIAL EXECUTIVE ORDER BANNING
IMPORTATION OF ALL GOODS FROM RHODESIA WAS UNCONSTITUTIONALLY
OVERBROAD SINCE IT EFFECTIVELY BANNED IMPORTATION OF GOODS

FROM BLACK RHODESIANS AS WELL AS WHITES. POLLACK SAID
THE CLEAR PURPOSE OF A 1967 U.N. GENERAL ASSEMBLY
RESOLUTION WAS TO BOYCOTT THE MINORITY WHITE REGIME HEADED
BY IAN SMITH AND TO RENDER "MORAL AND MATERIAL ASSISTANCE"
TO BLACK NATIONALS. SINCE THE EXECUTIVE ORDER'S PURPOSE
WAS TO CARRY OUT U.N. POLICIES, POLLACK SAID, THE U.S.
BAN WAS TOO BROAD AND IN FACT INCONSISTENT. BUT HAUK SAID
A PRESIDENT "MAY"NOT MUST - MAKE EXECUTIVE ORDERS BASED
ONLY ON NATIONAL SECURITY COUNCIL RESOLUTIONS AND THAT THE
MORE STRIDENT RESOLUTIONS AGAINST RHODESIA PASSED BY THE
GENERAL ASSEMBLY WERE NOT BINDING ON A PRESIDENT. IT
DOES NOT MAKE A DIFFERENCE WHETHER THE RHODESIANS INVOLVED
ARE "BLACK, WHITE OR GREEN;" THE JUDGE SAID, THE BAN ON
IMPORTATION OF GOODS APPLIES TO ALL PEOPLE IN RHODESIA.
AFTER HAUK DENIED THE DEFENSE MOTION, THE DEFENDANTS CHOSE
TO WITHDRAW EARLIER INNOCENT PLEAS TO FELONY CHARGES AND
INSTEAD PLEADED GUILTY TO NEWLY LODGED MISDEMEANOR COUNTS.
THE JUDGE ACCEPTED THE GUILTY PLEAS AND IMMEDIATELY IMPOSED
THE FOLLOWING SENTENCES: IAN FRASER JOHNSTON, 41, AND
ROBERT E. GARRETT, 58, EACH TO THREE YEARS PROBATION AND
A \$1,000 FINE; CHARLES A. EISENHARD, 47, TO THREE YEARS
PROBATION AND A \$2,000 FINE, AND RICHARD J. SATOSKI, 42, TO
TWO YEARS PROBATION AND A \$1,000 FINE. JOHNSTON IS A
BRITISH CITIZEN. THE OTHER THREE DEFENDANTS ARE FROM SAN
BERNARDINO AND ARE ON THE BOARD OF DIRECTORS OF MILITARY
SUPPLY AGENCY, INC. MILITARY SUPPLY AGENCY, WHICH ALLEGEDLY
WAS TO SHARE IN THE PROFITS FROM THE SALE OF THE ARTWORK,
PLEADED NO CONTEST TO A FELONY CHARGE OF IMPORTING THE ST-
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ATUARY AND WAS FINED THE MAXIMUM, \$10,000. END QUOTE. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, PRESS COMMENTS, PFOR, RH, COURT DECISIONS, TRIALS, EMBARGOES
Control Number: n/a
Copy: SINGLE
Draft Date: 15 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE090462
Document Source: CORE
Document Unique ID: 00
Drafter: PLORD:DH
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760146-0346
From: SECSTATE WASHDC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760453/aaaabtaz.tel
Line Count: 108
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN AF
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: oatisao
Review Comment: n/a
Review Content Flags:
Review Date: 30 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <30 JUN 2004 by SilvaL0>; APPROVED <03 SEP 2004 by oatisao>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CALIFORNIA CONVICTION ON ILLEGAL IMPORTS FROM RHODESIA
TAGS: PFOR, ETRD, PGOV, RH, US
To: USUN NEW YORK
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006